



## BOARD OF SUPERVISORS, COUNTY OF MONO STATE OF CALIFORNIA

Special Meeting

POSTED: Courthouse, Chambers,  
Annex I

### MINUTES

Third Floor,  
Social Services Conference Room  
Sierra Center Mall, Mammoth Lakes

**June 29, 2004**

**NOTE:** In compliance with the Americans with Disabilities Act if you need special assistance to participate in this meeting, please contact the Clerk of the Board at (760) 932-5534. Notification 48 hours prior to the meeting will enable the County to make reasonable arrangements to ensure accessibility to this meeting (See 42 USCS 12132, 28CFR 35.130).

Full agenda packets are available for the public to review in the Office of the Board of Supervisors in Bridgeport, California and in the County Offices located in Minaret Mall, 2<sup>nd</sup> Floor, Mammoth Lakes, California. **ON THE WEB:** You can view the upcoming agenda at [www.monocounty.ca.gov](http://www.monocounty.ca.gov).

*\*Meeting not recorded; recording machine malfunctioned.*

**5:37 p.m. OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD** on items of interest of the public that are within the subject matter jurisdiction of the Board. (Speakers may be limited in speaking time dependent upon the press of business and number of persons wishing to address the Board.)

Joseph Saulque addressed the Board.

Joseph Saulque  
Benton Paiute Reservation  
567 Yellow Jacket Rd.  
Benton, CA 93512  
(760) 933-2321 Fax 933-2412

Temporary Fish Holding Facility (**Dan Lyster, Tim Alpers**)

**ACTION:** Discussion on possible options for temporary fish holding facility for Tim Alpers including, but not limited to, use of existing facilities on Conway Ranch. Take such action, if any, as the Board deems appropriate. Provide any desired direction to staff.

Dan Lyster addresses the Board and summarized options one thru eight:

#### **Option One-**

- Create a temp holding facility on the Mattly portion of the Conway Ranch. We will need an aquaculture permit. Picture of the SCE gauging station.

#### **Option Two-**

#### **Special Meeting**

June 29, 2004 at 5:30 p.m. Mammoth Lakes, CA  
3<sup>rd</sup> Floor, Sierra Center Mall, Social Services Conference Room

- Utilize vacant raceway capacity at the existing aquaculture facility on Conway Ranch.

**Option Three-**

- Contact the Great Basin Trout Rearing Facility in Smith Valley to explore possible utilization of this facility.

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**Option Four-**

- Contact the Great Basin Facility regarding possible acquisition of stand-alone metal agriculture bins which were used by Great Basin as raceways for trout holding and rearing.

**Option Five-**

- Contact other aquaculturists regarding the availability and cost of trophy-sized trout delivered to Saddlebag, Lundy, and Virginia Lakes. At this point, this option is probably not available. Tim Alpers is providing this option right now.

**Option Six-**

- Investigate the possibility of using vacant raceway space (if it exists) at the Hot Creek Fish Hatchery.

**Option Seven-**

- Include the added cost of fuel and labor to import the trout from Oregon to the contract charge for the fish purchased under the County's fish enhancement program for stocking trophy trout in Saddlebag, Lundy, and Virginia Lakes.

**Option Eight-**

- Provide rainbow trout to Saddlebag, Lundy, and Virginia Lakes from existing standing crop at the Conway facility.

Pictures shown to the Board-

**John Pelichowski** addresses the Board. The old house burnt down. This takes the water around the ranch to where we can disburse it. Once it leaves there, I go ahead and disburse it accordingly.

SCE power house and the water onto the Mattly by a pipe under the road. We can take it off from 4 different points. Option Two – Utilize vacant raceway capacity at the existing aquaculture facility on Conway Ranch. Pictures of the existing raceways. Most of the Board has been to the Fish Springs facility. Essentially, the old winter pond is right here and as you drive onto the property, here are the trout. We've got 4,000 trout in the two raceways. I've handed out information; we've 8,000 browns and 9,000 rainbows yet to be planted out for the remainder of the season.

**Farnetti-** Option two was a need to obtain a separate permit. How long does that take? **Lyster** defers to Steve Marti. **Marti-** Pushing it would be 4-6 weeks. **Lyster-** I would assume that would also be the input from the Aquaculture Steering Committee.

**Marshall Rudolph** addresses the Board. When we first looked at the Mattly concept, I thought that a mitigated declaration would be triggered. I'm looking at all the possible

exemptions out there. I have found a combination exemption. Just as a general proposition, CEQA applies to anything to the use, grading of land. They constitute projects under CEQA. They can still be exempt from CEQA under either statutory exemptions or categorical exemptions. What are unusual circumstances? Exemptions that may apply here: Minor alterations to land, section 15; 304 of the Code of Regulations (class 4). The land in question would be sloped in less than 10% and it is not a part of the scenic area of highway corridor, it's not an earthquake fault center as well. E- minor temporary use of land having no negligible effect on the land. Condition is different than use. 15; 303 Class 3 consists of limited numbers of new or small structures. As far as CEQA is concerned for less than a year seems to cover all the different components involved.

**Tim Alpers** addressed the Board. In the past I made statements surrendered aquaculture permit and I thought this was the direction the county wanted to go. Since 1989 it has been a team effort. I'm asking for your support for me and your own program. Anglers look forward to catching these trophy trout. There are business owners who depend on my trademark name and I want to keep this program going. I think it is invaluable to the county, the anglers, and the business community. As everybody knows, I had a problem with the New Zealand mud snail. Not a word was said until just prior to opening. All the production ponds and inside of the stomach and digestive system of each trout, there are no mud snails. They have been inspected. The snail is up at Big Springs at Owens River in the cleanout area. I have supplied the Board with a copy of the Fish and Game Preliminary Agreement to stock all of my locations. I am also taking measures above and beyond what is listed here. The Dept. of Fish and Game is taking actions against the snail also. I am concerned about my truck tires and waders that I'm required to stock. There is not sanitation program installed. My idea of temporary is March-October and then operating, sometime in the future, year-round. If you look on the 3<sup>rd</sup> page of this document, this agreement is good until Nov of this year. Every year I have to go thru an extensive surveying process.

I have bio-filters set up. Significant number of trout above the holding facility above each raceway, their ability to digest this is very slim. Once they get into the water, they cannot be eradicated. Right now I'm bringing fish in from Oregon who produce beautiful fish. It's about a 12-hour haul. For sanitation services, I do not drive onto their premises. We make the exchange, drive, split the fish up into different trucks and out to various bodies of water quickly to those on the list... it takes about 12 hours. Mortality was insignificant. Last Sunday was another run. I lost 2-3 in Saddlebag but considering we're coming that distance, it's not that bad. Once the fish are out in the water, they are fine. Bottom line here is that I do not want to drop my standard to a lower level of fish to these particular bodies of water that I'm required to stock. My thought for the Mattly Ranch is to do a little bit of expansion (single wall head-gates and condition them for 2-3 weeks before the fish hit the water). We can gain the quality standard that everyone is used to for my fish.

In the future I would like to bring some catchable fish. I'm contemplating some raceways to hold these fish so I could have some grow-out potential should it warrant having year-round

use on them. I had the Conway Ranch listed for 4 years under my aquaculture permit. Although I have not inquired the parties who originally approved the permit, I could call and ask that I could use this facility on my existing permit.

Any profit that is gained could produce a profit sharing agreement (similar to the Dick Knowles who has a domestic pond down south). We're developing a positive cash flow and to provide funds to the county they could use for testifying at hearings, attorneys fees for relicensing issues, hiring another person to help with the fish. I am prepared to purchase extra equipment for this facility. I've tried to do the best I could for the last 15 years and now I'm asking for your help to keep YOUR program growing at a level that people have become accustomed to.

**Hunt-** How does this effect our CEQA exemption? **Rudolph-** We couldn't enter into some contract that would guarantee to use the project long term and to apply the temporary exemption to it. One season then longer term can be analyzed. There is an express exemption that explains this (section D) on existing fish facilities. There is an exemption that also applies for an expansion on Conway.

**Farnetti-** It was implied to the Board was that they supported a temporary facility. It wasn't given to the Board that it would be permanent. You are proposing something that is beyond this. Alpers- I don't want to walk away from it. I have to recertify this fall. I don't know that I'll be able to make a change to the five lakes listed here. I am interested in entering into a three year agreement or whatever the Board would be comfortable with. After one year and I was sure to get a fair hearing, I could have a chance to keep it down the line, I would hope that I would get that opportunity.

**Hunt-** What is the minimal facility needed? Can we move to do this immediately? Alpers- I understand some of the confines you have. It needs some work out there. There are some issues on the diversion. There is metal, garbage all over the place. There is a 250 foot stretch at the bottom of the meadow (west side) that needs widening/deepening and concrete dividing pens (two different sizes), and I would like to be able to keep them separate. The idea of the program is for people to catch the fish. The location does have some liabilities. Obviously vandalism is a problem. Someone might throw some plastic or garbage goes against the screen, etc. If I have an opportunity to hold fish there, I will invest in alarms, surveillance, etc. I have developed a team of people to set up a routine to check on the place including myself.

**Farnetti-** In light of what you're saying, I'm not disagreeing to what you're saying. It could be good for the future of the county to let you use the Mattly Ranch. In the interim, I know it's a burden on your part, I would like you to continue doing that through the remainder of this year and look into the CEQA process for a long-term plan. A tremendous benefit is that fish are being provided at no cost. Your program does cost for trophy trout. I wouldn't want to jeopardize what the Sierra Trout Foundation is currently doing. Do you agree or disagree?

**Alpers-** It's all a matter of what your value system is. I have not walked the property enough

to know the connection. It all depends on what you want to do. If you want me to haul the fish in, I'll do that. It seems to me that if you're looking for longer term with improvements, we should pursue that through CEQA. It doesn't make sense to do it on a temporary basis. It's all risk. Alpers- I appreciate the county's business but all due respect. County general fund dollars have been expended. I sat there and the whole plan sounded good to me and didn't make any proposal – I just don't see this as totally free fish.

I see a higher benefit to the county. None of the construction will cost the county a dime. I'll build everything here and if for some reason we can't get along, the equipment belongs to you (county). I've created a proven track record over the years. It's your property. As a taxpayer of Mono County, if you're going to open it up to RFP, I ask that I can acquire access to that.

**Hunt/Alpers-** He had never seen a fish die of whirling disease. I just found out the other day, that all the waters Lundy, Conway, Mattly is disease positive. It's in every body of water all the way from Oregon to Southern California. The spores have been found throughout the Owens River.

**Pipersky-** What are the implications for Conway if we move water? **Lyster-** I think Don Mooney has expressed his opinion that this is allowable. What happens to Conway? Lyster- I don't think there would be a huge impact. The amount of water may or may not make it down to Wilson Creek. If it does get to Wilson Creek, that really can't be considered consumptive use. I've envisioned a proposal of using the water at the fish facility and put it back to Conway. I don't believe this amount of water is going to make a huge impact on the downstream uses of Conway. **Pelichowski-** There's information that a lot of people don't know.

**Marti-** As long as the status quo is held. If there is a diversion of entry of water will have an impact. Rudolph- If you change a place or purpose of the use of water, you can only do that if it doesn't injure a downstream user.

**Ronci-** I lean towards GO AHEAD. Why are we afraid? Here's a man sitting here. His whole life has been with Mono County and I don't believe that Tim would even come and ask us to do this if he didn't think it wasn't going to work. #2- I am holding it in my mind, as a precursor, to do the CEQA document because I believe he will prove that this is the way to go. #3. I think it is an excellent idea to open this thing with the water situation that we have. Now we're showing the public, our constituents, that we need every bit of water we can get. I am not afraid to go ahead and enter into a short-term contract and then start right now trying to get the CEQA after we do this. I also think that we have a Fishery Commission and these people have put hours and hours into a unanimous decision that they wanted this to happen.

**Marti-** If you get that mud snail on Conway, it's going to be there. There's a reason people don't like mixing one aquaculturist with another. By putting another aquaculturist with an existing one, we're rolling the dice. Ronci- I'm willing to roll the dice. Hunt- What would happen if we couldn't supply enough water... would it be easy to back away from the Mattly facility? Alpers- You thin the fish down to the carrying capacity of water.

**Pipersky-** I have to have a bigger picture. You're unable to stock Virginia, Lundy, and Saddlebag out of your facility. You're looking for an easier way (a way) to get fish to these bodies of water. You're asking the Board to use the water from our own hatchery/raceways to make it easier. **Alpers-** The tax on me is not an issue. Bottom line is quality. I don't want to lose one fish. I have a warranty for lack of better terms on my fish. I am going to fight for this program. I need a facility to maintain this quality. I know there are legal ramifications.

**Farnetti-** There is a certain amount of risk. I am trying to sort this out. I'm looking at it. What if you were on Conway and somebody wanted to come in about you? Wouldn't you be concerned about the spread issue? I would be a team player. **Pipersky-** Mono County has a fish facility downstream and it's an asset. I am not willing to roll the dice and the possibility of contamination. Do you believe it's not a possibility?

**Alpers-** Unless they can find something from the facility in Oregon.... **Pipersky-** Didn't you say you would have a team? Wouldn't they be at risk?

**Gilleland-** We aren't going to be in the water source. **John Webb-** If you think there's a risk on the Mattly, what is the risk on Conway right now? The Commission voted 5-0 to make a motion on the Mattly Ranch. **Farnetti-** You made a motion for a temporary facility. I don't see what's wrong with it? Each year there's a story to tell on the Conway Ranch. There's an overall bigger problem here. Tim would bail on this whole situation if it became a water issue.

**Marti-** There was a proposal brought before the Board. Nothing was voted on. The US Fish and Wildlife will not move on this issue. They are not sure there's enough water on Mattly. **Lyster-** The Board did vote to continue to discuss feasibility of the Mattly Project. **Marti-** They were looking for diseases. It doesn't make sense to me. **Farnetti-** The word "team player" doesn't belong in this conversation. If we get the mud snail there, we have a problem. This isn't an if, it's a when. If you really understand the mud snail, we're going to have it. If you look at Fish and Game's literature, the snail lives on flies. They were spread all over New Zealand by birds. I think we need to be careful. Lets try to find the best use of Conway Ranch to make up the loss of fish. June Lake Marina has lost a 1,000 fish a week this year. We don't know what's going to happen on the first.

**Hunt-** We've been given some options on short term plans. The issues are: Water resources, CEQA and categorical exemptions, liability, and compatibility with Trout Foundations and invasives. I tend to be more of a risk taker. I would rather take a risk and get those fish out there and deal with this as it comes up down the road. **Farnetti-** We have to feel comfortable with our decision. **Hunt-** Added pluses would be a profit sharing possibility. I just see the large good being met with trying to deal with this issue today. For the long term, we're going to have to look at this carefully. We don't have time. **Farnetti-** Ultimately, we need to go through the CEQA process that addresses the long-term possibilities on that ranch. For right now, he needs to continue to do what he's doing. Tim is a private contractor. Lets not forget that. He does lose some fish.

The fish may not be 100% active, but at least we're getting fish into the water- then create a long-term plan.

**Pipersky-** We ARE getting fish. Tim is fulfilling his obligations and planting trout in the water that he is contracted to do. What do we want to do with Conway Ranch? Does it fit in with the facilities we have now? We don't have to be terribly expedient today. We need to take time to develop a plan and take it from there. **Hunt-** We need to facilitate Tim's efforts this year to make it more efficient to get these fish in the water. Maybe this isn't the answer. We need to do something to be a better producer of his incredible product. This is a major industry for us right now because of a concern for the mud snail.

**Gilleland-** Maybe we can hear Marti's plan to supplement fish for the next 6 months. We did see 2280 fall on its face today. This is just what we feared. He's had a track record now, for five years, and let's see what's going to happen in the next six months. **Hunt-** We have a real crisis on our hands.

**Pelichowski-** What's the issue here? Is the issue putting Tim on Mattly? **Marti-** I'm sitting in a situation where Tim coming in above us will create a problem for us down the road. That's why it's not a good idea... you're taking a chance. The fire on Conway nobody could predict. I was directed by this very Commission, in May, to keep Conway clean. The sub-committee is saying we're throwing this out the door. They said to raise 99,000 pounds of fish until this issue comes up. How do you expect me to make a plan if I don't know where we're going.

**Gilleland-** If they gave you a decision today for a plan, could you give us an outline of how you plan to increase the number of fish? I don't want to argue, but the bottom line is that we need more fish. You needed a water truck, backhoe, etc. How are you going to get that stuff? What is your plan? **Marti-** The plan is based on what? I have 50,000 trout to move on the ranch. He has no benefit. Two meetings ago, you said you would put 6,000 fish.....

**Unknown Speaker-**The Commission is having just as much trouble. We started out with a project to look at Conway Ranch. I hear your plea – I would like to see the Board step up to the plate and to get more fish on Conway and Mattly Ranches.

**Pipersky-** Yes, something has to happen. IF Mono County is going to raise fish, how many do we need, what will it cost, and what is the benefit? **Gilleland-** We're talking about baby steps leading to the big picture. Every time we beat ourselves out trying to make this work. You've got Commissioners eating, sleeping, and breathing teamwork. I'm after getting more fish. We can put all these hurdles in front (mud snail) but tomorrow we're not going to have any fish. Please understand we have spent hours with Dr. Tom Jenkins on this issue. He is so qualified and I can't believe he's not here (he's in Hawaii). The Fisheries Commission is after a short-term solution right now to help these people out. By the way, excellent job by getting organized on this issue. If we get some short-term solution here, we can get the process rolling to get more fish. Let's have it reviewed by the Fisheries Commission and then by the Board.

**Farnetti-** We're not going to be able to do any tremendous things immediately. We're

looking at what we're doing in the future. I'm willing to look at Mattly, have Tim put a proposal on the table (reviewed through CEQA) and let the chips fall where they may. **Hunt-** We need to put things in motion tonight.

**Farnetti-** The county has done something. We instituted the Alpers Program. This is a stocking program that is paid through general funds... outstanding. We've also developed Conway Ranch. If we want to talk about semantics, most of this was done without general funds. We don't have our heads in the sand. **Hunt-** I suggest that we move on several fronts. I want to support Tim Alpers. I suggest that we tell our staff to start working on CEQA and also open the process for an RFP. North County is probably the most severely handi-capped and John Cecil is not present. I would like to see Dr. Tom Jenkins appear before the Board at the meeting of July 13 so that Chairman Cecil will also be present.

**Gilleland-** Could I recommend that we get the county started on the aquaculture permit immediately? Is that a possibility **Dan?** **Lyster-** Sure. On the issue of the AB2280, I am working with Terry McGann, our lobbyist, on a plan. I tried to get a meeting with Tim and Steve and myself and perhaps Dr. Jenkins. Tim is willing to purchase separate equipment and vehicles to reduce the risk of contamination and work on the long-term plan. There are a lot of lessons to be learned out on Conway. There maybe a way that we can facilitate Tim on Mattly with Steve on Conway. I would like to work with these individuals so we can speak more freely.

**Hunt-** Can you report to the Board by July 13<sup>th</sup>? **Lyster-** Dr. Tom Jenkins is not back yet. I can certainly try depending on their schedules. Agendize it for the 13<sup>th</sup> for a workshop of Mattly/Conway. I will try. I don't know what supporting documents I will have together. It may just be a workshop. Lets shoot for July 20<sup>th</sup> and if that doesn't work, then we'll go for the first meeting in August. We could hold another special meeting depending on Dr. Tom Jenkins.

**Rudolph-** If the short term plan meets the exemption, then it meets the exemption. You need a definite project to start CEQA. **Pipersky-** The CEQA process will make determinations for having one facility above another? **Rudolph-** Yes, it covers impacts to adjacent properties. **Farnetti-** In all fairness to Tim. He's had to absorb additional costs/time to make good on his contract. I am willing to pay his additional expenses that he's incurring if you supply invoices to the county. I could just factor into the price per pound to make it easier. Then look for a longer-term solution to making Mattly Ranch a permanent facility.

**Gilleland-** I agree with Supervisor Farnetti. Marti has a number of fish on Conway that were directed they go to the North County. Board has always helped. We need them to go to the three lakes that are really hurting. Could we transfer from North County to the three lakes that desperately need them? **Rudolph-** Does this require Board action? **Marti-** Not a problem, we can make it happen. **Lyster-** The Fisheries Commission may hold an emergency meeting. I'm willing to override this and order it to happen. Option 8 is on the agenda.

The Board can discuss it. For Brown Act purposes.... I will take care of this: Lundy,



Saddlebag, and June in lieu of the fish going to the north end of the county (West Walker) in addition to Alpers fish.

**Hunt-** Does everyone have a clear picture? **Wilbrecht-** There are very basic fundamental issues. Suggestion to the Board is to take time to discuss Conway's role is. At some time in the past, a decision was made to use Conway as a non-profit foundation. The Board then decided to run this for profit. These are apples and oranges.

Agendize this matter on the 13<sup>th</sup> to talk about what you think the property needs to do for the county. With that in mind, you can ask the question of the Commission as to how they are going to achieve your goals. You'll be back at the table, again, with the same levels of concerns and frustrations.

**Farnetti-** We have a contract through 2007 with the Sierra Trout Foundation. As long as the foundation can meet their requirements, we can certainly go back and review to see ways we can produce more fish but we can't forget the existing contract. We have made a commitment. Does the current contract include the Mattly Ranch?

**Lyster-** No. There are no facilities.

**Pipersky-** We can discuss this every week if needed.

**Lyster-** I don't know how much information I can get together by the 13<sup>th</sup>. I'll be happy to do what I can. It may not be to a level that I was anticipating. It's a Board discussion and long-range vision of policy. Will you be there, Steve, on the 13<sup>th</sup>? Tim will be there. **Gilleland-** The county has a 3,000,000 deficit. **Farnetti-** No, not \$3,000,000. We're trying to look for ways to promote more fish without an expense to the county. **(6/30/04) Lyster-** *Requested that the Clerk set this matter under the Board of Supervisors, July 13<sup>th</sup>, at 2:30 p.m. or after.*

**Hunt-** Thank you all for your input. We'll see you on the 13<sup>th</sup> if not before.

## **ADJOURNMENT**

**Adjourned at 7:35 p.m.**

Adjourn meeting and reconvene in regular session of **July 6, 2004**, at the hour of 9:00 a.m. in the Board Chambers, County Courthouse, Bridgeport, California.